

**MINUTES OF THE CITY-COUNTY COUNCIL  
AND  
SPECIAL SERVICE DISTRICT COUNCILS  
OF  
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS  
MONDAY, JANUARY 11, 2016**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:06 p.m. on Monday, January 11, 2016, with Councillor Lewis presiding.

Councillor Lewis introduced Pastor T.D. Robinson, Mt. Paran Baptist Church, who led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

**OATH OF OFFICE**

The Honorable John F. Hanley and The Honorable Michael D. Keele, Marion Superior Court, administered the Oath of Office to swear in the newly seated Council body.

**ROLL CALL**

The President instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

*24 PRESENT: Adamson, Clay, Coats, Cordi, Evans, Fanning, Freeman, Gray, Holliday, Jackson, Johnson, Kreider, Lewis, Mascari, McQuillen, Miller, Oliver, Osili, Pfisterer, Ray, Robinson, Sandlin, Scales, Simpson*  
*1 ABSENT: McHenry*

A quorum of twenty-four members being present, the President called the meeting to order.

**INTRODUCTION OF GUESTS AND VISITORS**

Councillor Holliday recognized representatives from the Indianapolis Airport Authority. Councillor Robinson recognized new Deputy Mayor Angela Smith-Jones. Councillor Pfisterer recognized Mary Clark of the International Marketplace. Councillor McQuillen recognized college student Lucy Icegruber. Councillor Gray recognized Dana Black, candidate for state office. Councillor Adamson recognized his spouse, Christian Mosburg, and representatives from AFSCME. Councillor Sandlin recognized president of the Firefighters Union Mike Reeves.

Councillor Oliver recognized David Williams of IUPUI. Councillor Jackson recognized Pastor David Green. Councillor Clay recognized Reverend Antonio Alexander, Word of Life Church. Councillor Adamson recognized President Lewis' spouse, Leroy. Councillor Simpson recognized Cleo and Dorothy Moore of the United Way.

## **ORGANIZATION OF TWELFTH CITY-COUNTY COUNCIL**

### **Selection of Temporary Presiding Officer**

Councillor Lewis asked for consent to appoint General Counsel Fred Biesecker as temporary presiding officer for purposes of elections. Unanimous consent was given.

### **Ratification of Rules and Meeting Dates**

Mr. Biesecker stated that the schedule of Council meetings, as approved in Council Resolution No. 49, 2015, along with the Rules of the Council need to be ratified by this new Council body. Councillor McQuillen moved, seconded by Councillor Gray, to ratify the Rules of the Council and the schedule of Council meeting dates. The Rules and meeting dates were ratified by a unanimous voice vote.

### **Election of Officers**

Mr. Biesecker opened the floor for nominations for President of the Council. Councillor Robinson nominated Councillor Lewis for President. Councillor Adamson seconded the nomination. Councillor McQuillen moved, seconded by Councillor Adamson, to close nominations. Nominations were closed by unanimous consent, thereby electing Councillor Lewis as President.

Mr. Biesecker opened the floor for nominations for Vice-President of the Council. Councillor Mascari nominated Councillor Adamson for Vice-President. Councillor Osili seconded the nomination. Councillor McQuillen moved, seconded by Councillor Gray, to close nominations. The motion carried, and Councillor Adamson was thereby elected as Vice President.

Mr. Biesecker opened the floor for nominations for Clerk of the Council. Councillor Osili nominated NaTrina DeBow as Clerk of the Council. Councillor Jackson seconded the nomination. Councillor Gray moved, seconded by Councillor McQuillen, to close nominations. Nominations were closed by unanimous consent, thereby electing NaTrina DeBow as Clerk of the Council.

### **Certification of Caucus Leaders**

Mr. Biesecker stated that he has received certifications that Councillor Gray has been selected as leader of the Democrat Caucus and Councillor McQuillen has been selected as leader of the Republican Caucus. He then passed the gavel to newly elected President Lewis.

President Lewis called for a brief recess at 7:21 p.m. to hold a Committee on Committees meeting to further organize the Twelfth City-County Council.

President Lewis reconvened the City-County Council at 7:32 p.m.

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President Lewis asked the Clerk to give a brief report on the Committee on Committees. Clerk DeBow stated that a list of committee assignments and committee chairs will be distributed this week to all Council members.

## OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

Madame President,

I'd first like to address the Council's new voting system and LCD screens. As a reminder, when desiring to speak to a proposal, the board will now be open into a debate mode, which means that you can request to speak for or against a proposal. You would press the green button if you're in favor of a proposal and the red button if you're against. If you simply have a question on a proposal, you will still need to choose either green or red to have your name appear in the queue. Your names will appear on President Lewis' screen in the order the buttons are chosen. I have put little note cards in front of each of your voting stations with a reminder of this as well. Please keep in mind that this is a new system to all of us, so there will be a bit of a learning curve, not only on the processes, but the language to prompt the correct actions. Thank you.

Respectfully,  
s/NaTrina DeBow, Clerk

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, January 11, 2016, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,  
s/Maggie A. Lewis  
President, City-County Council

December 23, 2015

TO PRESIDENT LEWIS AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, NaTrina DeBow, the following ordinances:

GENERAL ORDINANCE NO. 80, 2015 – amends Sec. 131-425 of the Code to cap residential stormwater user fees at 20 base billing units (BBUs)

GENERAL ORDINANCE NO. 81, 2015 – adds a new Sec. 202-209 to the Code regarding real property leases, to improve the planning, reporting, analysis and negotiation of real property leasing by departments, agencies and offices of the city and county

GENERAL ORDINANCE NO. 83, 2015 – amends the Code regarding parking meter funds usage to align with state law

GENERAL ORDINANCE NO. 84, 2015 – amends the Code regarding surety bonds for city and county officials

GENERAL ORDINANCE NO. 85, 2015 – authorizes parking restrictions on the north side of 66th Street, from Ferguson Street to Cornell Avenue (District 3)

GENERAL ORDINANCE NO. 86, 2015 – authorizes parking restrictions along Shelby Street for the Red Line Bus Rapid Transit project (Districts 16, 19, 20, 23)

GENERAL ORDINANCE NO. 87, 2015 – authorizes intersection controls at Steinmeier Drive and 72nd Place (District 4)

GENERAL ORDINANCE NO. 88, 2015 – authorizes intersection controls in the Coventry Park subdivision (District 24)

GENERAL ORDINANCE NO. 89, 2015 – authorizes intersection controls in the Harvard Green at Camby Village subdivision (District 22)

GENERAL ORDINANCE NO. 90, 2015 – authorizes intersection controls on Coles Creek Lane and Wichita Hill Drive in the Wichita Hills at Southern Dunes subdivision (District 22)

GENERAL ORDINANCE NO. 91, 2015 – authorizes intersection controls in The Groves at Camby Village subdivision (District 22)

GENERAL ORDINANCE NO. 92, 2015 – authorizes intersection controls in the Arrowhead at Southern Dunes subdivision (District 22)

GENERAL ORDINANCE NO. 93, 2015 – authorizes intersection controls in the Hudson Bay at Southern Dunes subdivision (District 22)

GENERAL ORDINANCE NO. 94, 2015 – authorizes intersection controls in the Orchard Park subdivision (District 23)

GENERAL ORDINANCE NO. 95, 2015 – authorizes intersection controls at Victory Drive and Victory Lane (District 25)

GENERAL ORDINANCE NO. 96, 2015 – authorizes intersection controls in the Stonebriar subdivision (District 25)

GENERAL ORDINANCE NO. 97, 2015 – authorizes intersection controls in the Churchman Manor subdivision (District 25)

GENERAL ORDINANCE NO. 100, 2015 – amends the Code to delete obsolete references to township assessors and to renumber Chapter 671, regarding employment of ex-offenders, to Chapter 670

GENERAL RESOLUTION NO. 30, 2015 – approves the issuance of Indiana Storm Water Revenue Bonds and, if necessary, one or more series of bond anticipation notes, in an aggregate principal amount not to exceed \$50 million for various stormwater projects in Marion County

GENERAL RESOLUTION NO. 31, 2015 – determines the need to lease approximately 761 square feet of space at 251 E. Ohio Street, Suite B-31, for use by the Marion County Prosecutor

GENERAL RESOLUTION NO. 32, 2015 – determines the need to lease approximately 1,221 square feet of space at 251 E. Ohio Street, Suite B-29, for use by the Marion County Prosecutor

GENERAL RESOLUTION NO. 33, 2015 – determines the need to lease approximately 36,377 square feet of space at 1330 Madison Avenue for use by the Marion County Clerk

GENERAL RESOLUTION NO. 34, 2015 – determines the need to lease approximately 3,590 square feet of space at Building 116, 7108-7176 Waldemar Drive for use by the Marion County Assessor

GENERAL RESOLUTION NO. 35, 2015 - approves the statements of benefits of TC Heartland, an applicant for tax abatement for property located in an economic revitalization area

SPECIAL RESOLUTION NO. 51, 2015 – honors the life, legacy and unrelenting public service of Amos Brown

SPECIAL RESOLUTION NO. 52, 2015 - recognizes John Allen Houff, the husband of Rosie Houff, longtime Washington Township President and friend to many Councillors and Legislators and US Representatives

SPECIAL RESOLUTION NO. 53, 2015 - recognizes the public service of Councillor John Barth

SPECIAL RESOLUTION NO. 54, 2015 - recognizes the public service of Councillor Virginia "Ginny" Cain

SPECIAL RESOLUTION NO. 55, 2015 - recognizes the public service of Councillor Jose Evans

SPECIAL RESOLUTION NO. 56, 2015 - recognizes the public service of Councillor Will Gooden

SPECIAL RESOLUTION NO. 57, 2015 - recognizes the public service of Councillor Pamela Hickman

SPECIAL RESOLUTION NO. 58, 2015 - recognizes the public service of Councillor Benjamin Hunter

SPECIAL RESOLUTION NO. 59, 2015 - recognizes the public service of Councillor Robert "Bob" Lutz

SPECIAL RESOLUTION NO. 60, 2015 - recognizes the public service of Councillor Angela Mansfield

SPECIAL RESOLUTION NO. 61, 2015 - recognizes the public service of Councillor Jefferson Shreve

SPECIAL RESOLUTION NO. 62, 2015 - recognizes the public service of Councillor Kip Tew

SPECIAL RESOLUTION NO. 63, 2015 - recognizes the public service of Councillor Mary Moriarty Adams

SPECIAL RESOLUTION NO. 64, 2015 - inducement resolution for Mapleton-Fall Creek Development Corporation and Black and White Investments, LLC for the issuance of economic development revenue bonds in an amount not to

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exceed \$12,000,000 to provide a portion of the cost for acquisition, construction and equipping of a new multi-housing facility consisting of 114 residential units located at 507 East 29th Street (Districts 9,15)

SPECIAL RESOLUTION NO. 65, 2015 - approves the lease of City-owned property at 222 East Market Street to the Indianapolis City Market Corporation

SPECIAL RESOLUTION NO. 66, 2015 - approves the amounts, locations and programmatic operation of certain projects to be funded from Community Development Grant Funds

s/Gregory A. Ballard, Mayor

#### **RETURN OF ORDINANCE AND ANNOUNCEMENT OF VETO**

TO THE CLERK OF THE CITY-COUNTY COUNCIL:

Pursuant to the authority vested in the Office of the Mayor by Indiana Code 36-3-4-16, I hereby veto Proposal No. 413, 2015, General Ordinance No. 99, 2015, presented to me on December 17, 2015, for the reasons stated below.

This proposal was passed during the transition period – the equivalent of the political dark of night. However one may feel about the appropriate levels of pay for elected officials, a vote such as this should be passed when there is accountability.

For these reasons, I veto Proposal No. 413, 2015.

s/Gregory A. Ballard, Mayor

#### **RETURN OF ORDINANCE AND ANNOUNCEMENT OF VETO**

TO THE CLERK OF THE CITY-COUNTY COUNCIL:

Pursuant to the authority vested in the Office of the Mayor by Indiana Code 36-3-4-16, I hereby veto Proposal No. 228, 2015, General Ordinance No. 82, 2015, presented to me on December 17, 2015, for the reasons stated below.

This proposal is contrary to state law.

For this reason, I veto Proposal No. 228, 2015.

s/Gregory A. Ballard, Mayor

#### **ADOPTION OF THE AGENDA**

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

#### **APPROVAL OF THE JOURNAL**

The President called for additions or corrections to the Journals of December 14, 2015. There being no additions or corrections, the minutes were approved as distributed.

#### **PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS**

PROPOSAL NO. 13, 2016. The proposal, sponsored by Councillors Adamson and Miller, recognizes John Mance Calloway for his years of service in the community. Councillor Adamson read the proposal and presented Mr. Calloway with a copy of the document and a Council pin. Mr. Calloway thanked the Council for the recognition. Councillor Adamson moved, seconded by Councillor Miller, for adoption. Proposal No. 13, 2016 was adopted by a unanimous voice vote.

Proposal No. 13, 2016 was retitled SPECIAL RESOLUTION NO. 1, 2016, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 1, 2016

A SPECIAL RESOLUTION recognizing John Mance Calloway for his years of service in the community.

WHEREAS, John Mance Calloway was born on the South Side of Indianapolis on Capitol Avenue and “Midway Alley” on January 25, 1916; and

WHEREAS, Mr. Mance Calloway was educated in the Indianapolis Public Schools system at #6, #12, #26 and Crispus Attucks High School; and

WHEREAS, Mr. Mance Calloway stated that Meikel Street is “famous” to him because that is where he grew up, as well as where he taught Jimmy Dodson and Daniel Mason how to box; and

WHEREAS, Mr. Mance Calloway is a World War II Army Veteran, drafted in early 1941. Upon retirement in 1967, he returned to his beloved South Side of Indianapolis; and

WHEREAS, Mr. Mance Calloway was a founding member of the South Side Men’s Club in 1975; and

WHEREAS, Mr. Mance Calloway was a major contributor in the 2012 oral history publication *The Neighborhood of Saturdays: Memories of a Multi-Ethnic Community on Indianapolis’ South Side*; and

WHEREAS, Mr. Mance Calloway remains a life-long treasured member and active attendee of South Calvary Missionary Baptist Church, where his mother first carried him to church services in a breadbasket; and

WHEREAS, Mr. Mance Calloway continues to be a cherished and charismatic member of LeDanse Ballroom Studio after 30 plus years; and

WHEREAS, Mr. Mance Calloway has a message to all the South Siders regarding Meikel Street Park, “He loves the park so much he has the dirt in his pocket to prove it”; and

WHEREAS, Mr. Mance Calloway has lived well beyond the most eventful century of this nation’s history and has been a model and great inspiration to those who have known and love him. He is retired and says that he is living life well at age 99, and the Lord knows he appreciates it; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes Mr. Mance Calloway for his significant contributions to the community.

SECTION 2. The Council heartily congratulates him on his 100<sup>th</sup> birthday, Monday, January 25, 2016.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 14, 2016. The proposal, sponsored by Councillor Sandlin, accepts the disclosure of a contract between JS Consulting, Inc. and Crawford and Company (a contractor with the City of Indianapolis). Councillor Sandlin stated that he is required to file a disclosure annually with the Council, and would appreciate the acceptance of this disclosure in compliance with IC 35-44.1-1-4. Councillor Sandlin moved, seconded by Councillor Gray, for adoption. Proposal No. 14, 2016 was adopted by a unanimous voice vote.

Proposal No. 14, 2016 was retitled COUNCIL RESOLUTION NO. 1, 2016, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 1, 2016

A PROPOSAL FOR A COUNCIL RESOLUTION accepting the disclosure of a contract between JS Consulting, Inc. and Crawford and Company (a contractor with the City of Indianapolis).

WHEREAS, pursuant to IC 35-44.1-1-4, a public servant has a pecuniary interest in a contract or purchase connected with an action by the governmental entity served by the public servant, if the contract or purchase will result in an ascertainable increase in the income or net worth of the public servant or a dependent of the public servant; and

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WHEREAS, IC 35-44.1-1-4 allows an elected public servant to make a written disclosure of the pecuniary interest; and

WHEREAS, Councillor Jack Sandlin is employed by and sole shareholder of JS Consulting, Inc., and whose wife Lydia Sandlin, is also an employee of JS Consulting, Inc., and JS Consulting, Inc. has a contract with Crawford and Company, a contractor with the City of Indianapolis; and

WHEREAS, Councillor Sandlin has submitted the written disclosure required by IC 35-44.1-1-4(d); now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE  
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Council hereby accepts the written disclosure and directs that a copy of this resolution and the written disclosure be filed with the State Board of Accounts and the Clerk of the Marion Circuit Court within fifteen (15) days after final action.

### **INTRODUCTION OF PROPOSALS**

PROPOSAL NO. 1, 2016. Introduced by Councillors Robinson and Johnson. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to add a new chapter establishing the Indianapolis-Marion County public art for neighborhoods program"; and the President referred it to the Community Affairs and Education Committee.

PROPOSAL NO. 2, 2016. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Lyle Bass to the Woodruff Place Economic Improvement Board"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 3, 2016. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Ken Brooks to the Woodruff Place Economic Improvement Board"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 4, 2016. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Linda Gilkerson to the Woodruff Place Economic Improvement Board"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 5, 2016. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Seth Kohler to the Woodruff Place Economic Improvement Board"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 6, 2016. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Justin Leverton to the Woodruff Place Economic Improvement Board"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 7, 2016. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Charlie Neill to the Woodruff Place Economic Improvement Board"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 8, 2016. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Will Pritchard to the Woodruff Place Economic Improvement Board"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 9, 2016. Introduced by Councillor Adamson. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves the statement of benefits of Canal East II, LLC, an applicant for tax abatement for property located in an economic revitalization area"; and the President referred it to the Metropolitan and Economic Development Committee.

PROPOSAL NO. 10, 2016. Introduced by Councillors Lewis and Robinson. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which appropriates \$50,000 in the 2016 Budget of the Department of Public Safety, Indianapolis Metropolitan Police Department (IMPD General Fund) for suicide prevention services"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 11, 2016. Introduced by Councillor Lewis. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to reflect the reduction in the number of councillors from 29 to 25 and makes other technical corrections"; and the President referred it to the Rules and Public Policy Committee.

PROPOSAL NO. 12, 2016. Introduced by Councillor Robinson. The Clerk read the proposal entitled: "A Proposal for a General Ordinance which amends the Code to add certain protections for the homeless"; and the President referred it to the Rules and Public Policy Committee.

### **SPECIAL ORDERS - PRIORITY BUSINESS**

PROPOSAL NO. 15, 2016 and PROPOSAL NOS. 16-19, 2016. Introduced by Councillor Osili. Proposal No. 15, 2016 and Proposal Nos. 16-19, 2016 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on December 29, 2015. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 1-5, 2016, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 1, 2016.

2015-ZON-083

900 NORTH HIGH SCHOOL ROAD (APPROXIMATE ADDRESS)

WAYNE TOWNSHIP, CD #13

K & M INDY WEST REAL ESTATE, LLC, by Donald R. Russell requests Rezoning of 3.67 acres from the C-1 district to the SU-6 classification to provide for psychiatric hospital.

REZONING ORDINANCE NO. 2, 2016.

2015-ZON-073

9003 ROCKVILLE ROAD (APPROXIMATE ADDRESS)

WAYNE TOWNSHIP, CD #13

DOUGLAS W. AND BROOK A. WIGAND request Rezoning of 0.57 acre from the D-2 district to the C-4 classification

REZONING ORDINANCE NO. 3, 2016.

2015-ZON-085

3821 WEST 34TH STREET (APPROXIMATE ADDRESS)

WAYNE TOWNSHIP, CD #7



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STORAGE DEPOT LAFAYETTE, LLC, by J. Murray Clark request Rezoning of 1.14 acres from the SU-1 District to the C-S classification to provide for the expansion of a self-storage facility.

REZONING ORDINANCE NO. 4, 2016.

2015-ZON-087

3202 NORTH MERIDIAN STREET (APPROXIMATE ADDRESS)

CENTER TOWNSHIP, CD #8

BROADSTREET DEVELOPERS LLP, by Brent Mather request Rezoning of 1.017 acre from the HD-1 district to the C-3C district.

REZONING ORDINANCE NO. 5, 2016.

2015-ZON-099

8810 COLBY BOULEVARD

PIKE TOWNSHIP, CD #1

NHI-REIT of AXEL, LLC, by Timothy E. Ochs requests Rezoning of 6.39 acres from D-P (FF) to D-P (FF) to modify the Development Statement related to 84-Z-46 / 84-DP-2 to increase the number of units from 130 to 148 and to permit the definition of living units to include apartments, memory units and assisted living units.

### **SPECIAL ORDERS - UNFINISHED BUSINESS**

PROPOSAL NO. 228, 2015. Councillor Osili reported that the Rules and Public Policy Committee heard Proposal No. 228, 2015 on August 11 and December 1, 2015. The proposal was adopted by the full Council on December 14, 2015, and subsequently vetoed by former Mayor Gregory Ballard on December 23, 2015. The proposal, sponsored by former Councillor Tew, amends the Code by adding a new Sec. 451-4 regarding the reporting of lost or stolen firearms. Councillor Osili moved, seconded by Councillor Simpson, to override the Mayor's veto of Proposal No. 228, 2015.

Councillor Oliver said that the federal government has attempted to regulate Sudafed, an over-the-counter cold medicine, because it is used to make drugs that have proved deadly to people. He said that weapons would fall into this same category, and he would think that a responsible gun owner would want it known if their weapon had been lost or stolen. He said that the only reason he can think of for not reporting it lost or stolen, is if they are sharing it with a person who cannot get one legally, and they are shielding that person.

Councillor Miller said that he has been anxiously waiting to hear from the new Mayor or the new police chief on this issue, and has not heard any comments from them. He said that he does not feel it is necessary to vote on these issues until they hear from them, and he would prefer they work with the new administration to see if they concur with this action.

Councillor Clay said that this proposal is reasonable, proportionate, measurable, and logical. He said that individuals report animals that are lost and other items of value, and he would imagine that reasonable gun owners will not see this as an additional burden, but rather as a responsibility, and he does not think that this action is overreaching in any way.

Councillor Sandlin said that it was testified that this would help identify where guns might have come from if they were used in a crime, but there is already a mechanism in place now to research that information. He said that they have a group of detectives now in the Indianapolis Metropolitan Police Department (IMPD) who track this on a regular basis. He said that while people do report valuable items or animals as lost or stolen, there is no law requiring it, and no fine associated if they do not report it. He said that he does not see value in this proposal, and the way that it is written makes it the responsibility of IMPD to capture the data and enforce it, even within the excluded cities. He said that it is not the National Rifle Association (NRA) that will engage in suing the city, but rather an individual exercising their rights. He said that this proposal

impedes on State statute, and the deputy city attorney testified in committee about the risk the city could incur should this pass. He added that the reasons articulated by Mayor Ballard for his veto are valid, and the way to prevent gun violence is to educate people on gun safety.

Councillor Simpson said that it is amazing that members of this body can act like crime is not an issue in this community. Maybe it is not happening in some Councillors' districts, but it is happening in his community, and he is tired of the killing. Wanting to know where guns are coming from seems like common sense, and if the violence was an issue in every Councillor's district, they would feel his pain. He said that they do whatever they can to prevent suicides and overdoses, but if it goes against the NRA, all of a sudden, they are afraid to do anything.

Councillor Fanning said that the violence in crime is in all their districts, and almost all areas of the county have had fatal shootings in the past year. It is a huge issue and very important. However, she recently participated in a ride-along with some IMPD officers, and it was their unanimous opinion that this legislation would not help them combat crime, but instead would be one more piece of administration they would have to deal with. She said that in actuality, it does not prevent the use of weapons or crime from happening, and it does not really allow them to adequately track the weapons. She said that they need to instead strengthen the penalties for those who commit crimes with illegal weapons and address drug addiction and other crime factors.

Councillor Adamson said that he agrees with Councillors Clay and Oliver and urged his colleagues to vote to override the veto.

Councillor Pfisterer said that she is elected to speak for her district, and her credit union was robbed at gunpoint, and she can hear gun shots from her home. She said that crime affects every district. However, before she can support this legislation, she needs to see some data about where these guns are coming from that are used in crimes. She said that she does not believe this will have any real impact on combatting crime, and therefore will not be supporting the vote to override the veto.

Councillor Oliver asked if an owner of a handgun can be charged with a penalty or held accountable if it is used by someone else in an unlawful crime and was lost or stolen. Mr. Biesecker said that he does not know. He said that there may be some civil liability, but he assumes there would have to be some proven fault on the part of the owner. Councillor Oliver asked if the prosecutor could not charge the owner in this case. Mr. Biesecker said that it would depend on the level of the owner's knowledge and participation, and they would not be charged simply because they were the registered owner. Councillor Oliver asked if they could say they did not know it was stolen or lost, and therefore that would be enough to satisfy the prosecutor. Mr. Biesecker said that it would be subject to circumstances, and there is no way of knowing.

Councillor Gray said that it seems a double standard that they would favor the "three strikes and you're out" approach with the crack cocaine epidemic a few years ago, and now are supporting clean needle programs with the arrival of heroin, but can be so against something that might solve the problem of violent crimes and homicides. He said that it amazes him that elected officials would be so negative about prevention and so positive about punishment.

President Lewis called for a vote on the motion to override, and stated that 17 "yea" votes are needed to override the veto. The Council failed to override the veto on the following roll call vote; viz:

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*10 YEAS: Adamson, Clay, Gray, Jackson, Lewis, Mascari, Oliver, Osili, Robinson, Simpson*  
*14 NAYS: Coats, Cordi, Evans, Fanning, Freeman, Holliday, Johnson, Kreider, McQuillen,*  
*Miller, Pfisterer, Ray, Sandlin, Scales*  
*0 NOT VOTING:*  
*1 ABSENT: McHenry*

PROPOSAL NO. 413, 2015. Councillor Simpson reported that the Administration and Finance Committee heard Proposal No. 413, 2015 on December 8, 2015. The proposal was adopted by the full Council on December 14, 2015 and was subsequently vetoed by former Mayor Gregory Ballard on December 23, 2015. The proposal, sponsored by Councillors Moriarty Adams and Mascari, increases the compensation of the mayor and the city-county council. Councillor Simpson moved, seconded by Councillor Adamson, to override the veto.

Councillor Adamson said that he finds irony in the Mayor's reasoning that this took place after the election in the dark of night, when the redistricting plan was handled in the same way in 2011 and 2012.

Councillor Coats said that he has talked with many city employees who have not received raises in over seven years. He said that the city is struggling with a \$50 million structural deficit, and while this may seem a small amount in the grand scheme of things, voting to give themselves a raise is not a picture he wants to paint.

Councillor Miller said that it is interesting that the Mayor refers to the Council as doing this in the dark of night, when it received lots of news coverage, and certainly more coverage than when he gave his senior staff \$20,000 a year increases. He said that he had no problem with the Mayor giving his people a raise, because competitive salaries are needed to attract talent. He said that he is a single dad, and it is tough to do this job while raising a young son. Without raising the salary, they are creating a job that no one can hold unless they are independently wealthy. He said that some employees might have gone without raises for seven years, but it has been 16 years since the Council's salary was raised, which is over twice that. He said that being a Councillor is a lot of work and it is infuriating that the Mayor would take away their home rule. This is the Council budget and should be an internal decision. He said that with four positions dropped, there is some funding for this action, and he believes the Mayor's veto is out of place.

Councillor Sandlin said that this raise was brought up at the last minute, even though there was plenty of opportunity to consider it earlier last year, giving the community time to comment on it, and giving them the time to work it into the budget properly. He said that he was under the impression that due to the elimination of the four at-large Councillor positions, that the personal services character funding was reduced during the budget process. However, in committee, it was testified that this money was re-budgeted in Character 03. In order to fund an increase, they would need to transfer it back to Character 01, and then still find extra dollars to fund the rest. He said that he would hope they would be better stewards of the taxpayers' money and allocate funds more appropriately. He said that the information the fiscal staff presented at committee was good information in regard to comparison with other cities, but this information was not distributed in the community. If this body decides to raise their own pay, they need a detailed analysis of their finances to go out to the public for input and documentation of such an important decision.

President Lewis called for a vote on the motion to override, and reminded members that 17 "yea" votes are needed to override the veto. The Council failed to override the veto on the following roll call vote; viz:

*10 YEAS: Adamson, Clay, Gray, Jackson, Lewis, Mascari, Miller, Oliver, Osili, Simpson*  
*14 NAYS: Coats, Cordi, Evans, Fanning, Freeman, Holliday, Johnson, Kreider, McQuillen,*  
*Pfisterer, Ray, Robinson, Sandlin, Scales*  
*0 NOT VOTING:*  
*1 ABSENT: McHenry*

## **ANNOUNCEMENTS AND ADJOURNMENT**

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor McQuillen stated that he had been asked to offer the following motion for adjournment by:

- (1) Councillor Lewis in memory of Izona Warner, Terrie Gude and Peter Earl; and
- (2) Councillor Pfisterer in memory of Stuart Wright; and
- (3) Councillor Sandlin in memory of Floyd Wilson and Kenneth Wheeler; and
- (4) Councillor Mascari in memory of Trudy Killion, Edward Howe and Goldie Payton; and
- (5) Councillor Adamson in memory of Patricia Taylor; and
- (6) Councillor McHenry in memory of Venita Apple.

Councillor McQuillen moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of Izona Warner, Terrie Gude, Peter Earl, Stuart Wright, Floyd Wilson, Kenneth Wheeler, Trudy Killion, Edward Howe, Goldie Payton, Patricia Taylor, and Venita Apple. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 8:19 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 11th day of January, 2016.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.



President

ATTEST:



Clerk of the Council

(SEAL)